

REMARKS

Upon entry of the amendments, claims 1-12 will be pending in the application. Applicants have enclosed the requisite fee for the extra independent claim.

Upon careful consideration of the Office Action, Applicants provide the following comments.

Drawings

Applicants have forwarded a proposed drawing correction for the Examiner's consideration. If acceptable, formal drawings will be filed.

Claim Objections

Applicants have amended the claims to address the informalities.

Claim Rejections – 35 U.S.C. § 112

Claims 3-5, 7, 9, and 10 are rejected under the second paragraph of 35 U.S.C. § 112 as indefinite due to a lack of antecedent basis for some of the features recited in the claims. The claims have been amended to provide sufficient antecedent basis for the relevant features. Hence, Applicants respectfully submit that this rejection should be withdrawn.

Claim Rejections – 35 U.S.C. § 102

The following anticipation rejections were issued in the Office Action:

1. Claims 1, 2, and 6 are rejected as being anticipated by Ritola (US '755).
2. Claims 1, 2, 4, and 6 are rejected as being anticipated by Dron (US '307).

Applicants respectfully request that these rejections be withdrawn.

The following structural feature of claim 1 is not inherently or explicitly shown in the cited patents:

“wherein each transfer member is movable between a passive position outside the path of the conveyor and between said path and the sorting compartment and in conjunction with the infeed end of the sorting compartment, and an active position within the path of the conveyor for engagement with a timber piece carried by the conveyor and transferring it to the sorting compartment”.

The cited patents have similar failings, as the prior art detailed generally on page 1, lines 32-34 and page 2, lines 1-11. Namely, the cited patents have transfer devices that are located on a different side of the downwardly moving part of the conveyor in comparison with the present invention. As such, the transfer member is not movable between a passive position located outside the path of the conveyor and between said path and the sorting compartment to an active position that is within the path of the conveyor.

According to the present invention, the transfer means have their rest position between the opening of the sorting compartment and the conveyor. This feature is not inherently or explicitly disclosed by the prior art. Hence, the anticipation rejections based upon Dron and Ritola should be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claim 5 is rejected as obvious in view of Dron and Ritola. Applicants respectfully submit that this obviousness rejection should be withdrawn. Claim 5 depends from claim 1, which is not anticipated or obvious in view of the cited prior art.

New Claims

Applicants have added new claims 11 and 12, which further define the invention over the cited prior art.

CONCLUSION

Applicants respectfully request allowance of the application. If any additional fees are due in connection with the filing of this response, such as fees under 37 C.F.R. §§ 1.16 or 1.17, please charge the fees to Deposit Account No. 02-4300. Any overpayment can be credited to Deposit Account No. 02-4300.

Respectfully submitted,

Date: October 21, 2003

Signature:



Dennis Rodgers, Reg. No. 32,936
Smith, Gambrell & Russell, L.L.P.
1850 M Street, N.W., Suite 800
Washington, D.C. 20036
Telephone: (202) 659-2811

SGRDC/205305.1